

PATRICK CASTALDO  
ANTHONY DIPIPPO vs COUNTY OF PUTNAM

August 01, 2019

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

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ANTHONY DiPIPPO,

Plaintiff,

Case Number  
17-cv-7948 (NSR)

v.

COUNTY OF PUTNAM; Putnam County  
Sheriff's Department Sheriff ROBERT  
THOUBBORON in his individual capacity;  
Putnam County Sheriff's Department  
Investigators DAN STEPHENS, PATRICK  
CASTALDO, BILL QUICK, and Putnam  
County Sheriff's Department Officer  
VICTOR NESTOR, in their individual  
capacities,

Defendants.

-----X  
August 1, 2019  
10:08 a.m.

Videotaped Deposition of Defendant,  
PATRICK CASTALDO, taken by Plaintiff, pursuant  
to Notice, held at the offices of Neufeld  
Scheck & Brustin, LLP, 99 Hudson Street,  
Eighth Floor, New York, New York 10013, before  
CHARISSE ROMEO, a Registered Professional  
Reporter and Notary Public within and for the  
State of New York.

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A P P E A R A N C E S:

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ALSO PRESENT:

NIKOLAS MANITARAS - Videographer

ANTHONY DiPIPPO

CLAIRE SHIMBERG - Legal Intern

TY PARKS - Paralegal

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2 A. I didn't say conspiracy.

3 Q. All right. Now, you  
4 called -- you said you called Denise  
5 Rose because you had a feeling, no  
6 evidence, just a feeling that maybe  
7 she knew more, correct?

8 A. I had a feeling she might  
9 have known more, sir.

10 Q. Okay. So then explain why  
11 you Mirandized her when you started  
12 interviewing her, if it was just a  
13 feeling?

14 A. No, that was after the  
15 fact. After she told me. When she  
16 banged her hand down and she said  
17 they raped, they tied, they gagged,  
18 and they dumped her in the woods, at  
19 that point I didn't know if she was  
20 part of it so I gave her her rights.

21 Q. You understand that the  
22 testimony, your prior testimony and  
23 her testimony and the records  
24 suggest you Mirandized her before  
25 you spoke to her, do you understand

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2 that, right?

3 MR. RANDAZZO: Objection.

4 A. No, sir. I believe it was  
5 afterwards.

6 Q. You didn't Mirandize her  
7 until after she came in --

8 So what happened is she  
9 walked in the room and she started  
10 spilling her guts?

11 MR. RANDAZZO: Objection.

12 A. No, she walked in the room,  
13 we sat down. I believe I told  
14 Quick, I said, find out what's going  
15 on with the district attorney. I  
16 said, Denise, I know what happened.  
17 And right after I said that, she  
18 turns around -- and this is not word  
19 for word, mine isn't word for word.  
20 I know what happened. She banged,  
21 she says they raped, they tied, they  
22 gagged and they dumped her in the  
23 woods.

24 Q. Why isn't that documented  
25 anywhere, by the way?

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2 A. I believe it is the  
3 statement.

4 Q. Nope.

5 MR. RANDAZZO: Objection.

6 Q. First I ever heard that  
7 happening.

8 A. That's not documented  
9 anywhere, sir?

10 Q. No. There's a statement  
11 that it says some other things, but  
12 not that.

13 So she walked in -- and, by  
14 the way, it sounds like you remember  
15 this clear as day, right?

16 A. Excuse me?

17 Q. Sounds like you remember it  
18 clear as day?

19 A. That I remember her saying  
20 that to me, yes, sir.

21 Q. You said, I know what  
22 happened. What were you going to  
23 say?

24 A. I'm just throwing that out  
25 to her.

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2 Q. So the full sentence you  
3 got out, I know what happened?

4 A. I said, I know what  
5 happened to Josette Wright, Denise.

6 Q. And then she interrupted  
7 you?

8 A. Excuse me, sir?

9 Q. And she interrupted you?

10 A. Yes.

11 Q. What were you going to say?

12 A. I wasn't going to say  
13 anything. I was just putting that  
14 thought in your head.

15 Q. Okay. You said, I know  
16 what happened to Josette Wright and  
17 then she said --

18 A. Bang. (Indicating.) They  
19 raped, they tied, they gagged, and  
20 they dumped her in the woods.

21 Q. Let's take a look at the  
22 April 24th statement.

23 MR. SAWYER: That is  
24 Exhibit 12.

25 Q. Take a look at Exhibit 12,

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2 page 19289.

3 Are you there?

4 A. What's the page?

5 Q. 19289.

6 A. Yes, sir.

7 Q. That's the beginning of the  
8 statement, right?

9 A. Yes, sir.

10 Q. Now what the statement  
11 says, the first thing you said to  
12 her, "Denise, tell us in your own  
13 words what happened on October 3rd,  
14 1994."

15 That's different than what  
16 you just said, right?

17 A. This is after she stated to  
18 me what happened, sir.

19 Q. Ah, where's that written  
20 down?

21 A. That's not there, sir.

22 Q. Oh, where's that?

23 A. I just said it's not there.

24 Q. Where is it?

25 A. I'm just telling you what

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2 she said to me.

3 Q. Why didn't you write it  
4 down?

5 A. I didn't write it down,  
6 sir.

7 Q. We keep having this  
8 communication problem.

9 My -- I am suing you, Mr.  
10 DiPippo is suing you for the reasons  
11 why you did things. You're doing it  
12 because you were lying, because you  
13 were making things up, for bad  
14 purposes. So all my questions are  
15 why.

16 I know what you did, I know  
17 it is not written here. I want to  
18 know why you didn't write it there?

19 A. I didn't write it, sir.

20 Q. I know. But why?

21 A. I don't have an answer for  
22 that.

23 Q. It sounds like a very  
24 powerful admission. You didn't say  
25 anything, all you said to her was I



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2 know what happened, she banged on  
3 the table? (Indicating.)

4 A. Yes, sir.

5 Q. And she said -- and she  
6 blurted out what happened?

7 A. Yes, sir.

8 Q. That was an important  
9 moment in the case?

10 A. Yes, sir.

11 Q. Why didn't you document it?

12 A. I didn't put that down,  
13 sir.

14 Q. Why?

15 A. You're asking me, I'm  
16 telling you I didn't do it.

17 Q. But I know you didn't do  
18 it. I want to know why didn't you  
19 do it. Why wouldn't you write  
20 something important down like that?

21 A. I didn't do it.

22 Q. Why didn't Quick do it? He  
23 was taking notes, wasn't he?

24 A. I don't believe Quick was  
25 in the room. I'm not sure if he was

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2 in the room at that time, sir.

3 Q. Okay. Why didn't you write  
4 it afterwards what happened?

5 A. I told my boss about it. I  
6 told Turner about it.

7 Q. Oh, you told Turner about  
8 it?

9 A. Yes.

10 Q. Okay.

11 A. And then he directed us to  
12 take a statement.

13 Q. All right.

14 So Denise Rose says "When I  
15 was at the sheriff's department they  
16 said to me if you are to withhold  
17 information, you can be charged with  
18 conspiracy. And at that point I  
19 just could not take it anymore, I  
20 had held it in for so long. So it  
21 was perfect timing for me to say  
22 this is what happened and then I  
23 told them."

24 So what she's saying is  
25 either a mistake or a lie?

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2 Q. Okay.

3 A. That's where it stays; it  
4 doesn't stay in the file.

5 Q. I gotcha.

6 You created no  
7 documentation of that video?

8 You didn't write a  
9 report --

10 A. No.

11 Q. -- saying we took a video?  
12 Nothing like that?

13 A. Not that I know of. If  
14 there is something there to refresh  
15 me --

16 Q. There's not.

17 A. No, then I didn't, sir.

18 Q. Okay. And then your  
19 opinion of the video, because of  
20 what Scott Olivieri told you, was  
21 that there was nothing relevant to  
22 the case on it, correct?

23 A. Yes. And I believe whoever  
24 listened to it also told me that  
25 there was nothing there, sir.

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2 Q. Who listened to it?

3 A. I don't know, sir.

4 Q. Was it another officer?

5 A. Yes, sir.

6 Q. Was it Quick?

7 A. I don't know.

8 Q. All right. So somebody

9 told you they listened to it and

10 there was nothing relevant on it?

11 A. Yes, sir.

12 Q. It had to be someone

13 knowledgeable about the case so they

14 would know what's relevant, right?

15 MR. RANDAZZO: Objection.

16 A. Yes, sir.

17 Q. And then you gave it to ID

18 or somebody gave it to ID?

19 A. I didn't.

20 Q. And you never thought about

21 it again because you assumed there

22 was nothing relevant on it, that's

23 what you were told?

24 A. Yes. The tape was given to

25 ID, the district attorney was

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2 notified, my boss was -- well, he  
3 knew about it.

4 Q. Oh, the district attorney  
5 was notified. By who?

6 A. I don't know.

7 Q. You don't know whether they  
8 were or weren't; do you?

9 A. I didn't do it, so I don't  
10 know.

11 Q. You don't know whether they  
12 were notified or not; do you?

13 A. Eventually, yes, they knew  
14 about it.

15 Q. Well, they could have  
16 learned about it from Olivieri,  
17 correct?

18 A. No, I don't believe so. I  
19 believe an officer would have told  
20 them.

21 Q. You don't know whether an  
22 officer told them?

23 MR. RANDAZZO: Objection.

24 A. I don't know who.

25 Q. You had no intention of

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2 giving it to them because you didn't  
3 think it was important, right?

4 MR. RANDAZZO: Objection.

5 A. I never said that.

6 Q. Well, I'm asking you.

7 A. No, I never said that.

8 Q. You determined there was  
9 nothing of use on it, correct?

10 A. I was told that.

11 Q. And you accepted that  
12 without even looking at it, correct?

13 A. Yes. I'm going to believe  
14 an officer tells me something, I'm  
15 going to believe them.

16 Q. So you had no reason to  
17 give it to the DA, correct?

18 MR. RANDAZZO: Objection.

19 A. I don't give it to the DA.  
20 That goes through ID; it's a  
21 separate department.

22 Q. Okay.

23 MR. BRUSTIN: Okay. This  
24 is a good place to stop for  
25 today.